

CAUSE NO. 2025-72470

Candace Louise Curtis,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
v.	§	THE _____ JUDICIAL DISTRICT
	§	
Carl Henry Brunsting,	§	HARRIS COUNTY, TEXAS
Bobbie G. Bayless (and law Firm)	§	
Anita Brunsting	§	
Stephen Mendel (and law Firm)	§	
Amy Brunsting	§	
Neal Spielman (and law Firm)	§	
Carole Brunsting	§	
Bruse Loyd (and law Firm)	§	
Cory Reed (and law Firm)	§	
Candace Kunz-Freed (and law Firm)	§	
Defendants	§	

VERIFIED MOTION TO EXTEND POST-JUDGMENT DEADLINES AND FOR FINDING OF A LATER DATE OF NOTICE UNDER RULE 306a

To The Honorable Judge of Said Court:

COMES NOW, Plaintiff Candace Louise Curtis (“Movant”), appearing pro se, and files this Verified Motion to Extend Post-Judgment Deadlines and for Finding of a Later Date of Notice.

Pursuant to Texas Rule of Civil Procedure 306a, Movant respectfully requests that this Court find that Movant first received notice of the Court’s order denying her motion for rehearing on December 22, 2025, and order that all post-judgment and appellate deadlines run from that date.

In support, Movant would respectfully show the Court as follows:

I. BACKGROUND AND TIMELINE OF EVENTS

1. On September 25, 2025, Plaintiff filed a Petition for Summary and Declaratory Judgment challenging the subject matter jurisdiction of the statutory probate court over a controversy involving a living trust and asking that all orders entered in the statutory probate court entered after the jurisdiction of that court terminated according to statute, in particular Texas Estates Code §402.001 and Texas Government Code § 25.0021.
2. On October 14, 2025 this Court issued a sua sponte Order Setting Hearing on Jurisdiction to which all parties were to file briefs, responses, replies and any other instrument or memorandum providing the court with guidance on the issue of jurisdiction before the submission date. The Order was docketed by the clerk on October 20, 2025 and hearing was set for the Court's submission docket October 27, 2025. Plaintiff did not receive electronic notice of this order but instead received a blank post card on October 30, 2025, three days after the submission date. On that same date, October 30, 2025, Plaintiff filed her brief on the District Courts' Jurisdiction to hear this case and grant the relief requested. On November 7, 2025, Plaintiff timely filed her "Motion for Reconsideration and Motion for Rehearing with Motion for New Trial."
3. On November 11, 2025 Plaintiff also filed a notice regarding the rules governing electronic notice in Texas District Courts.
4. The Motion for reconsideration and for rehearing was set for the court's submission docket for November 24, 2025.
5. Having not received any notice of a ruling, and in the good faith belief that no ruling had been made, Movant took extraordinary steps to obtain a ruling. On December 2, 2025, Movant filed a petition for a writ of mandamus with the First Court of Appeals, asking

that court to compel this Court to rule on her pending motion. That petition for writ of mandamus was dismissed on December 11, 2025 as moot.

6. Having examined the docket and not seeing any order posted on the docket, Plaintiff was confused regarding the 1st District Court of Appeals ruling in denying the petition for writ of mandamus as moot.
7. On December 20, 2025 Plaintiff filed a petition for writ of mandamus with the Texas Supreme Court that was rejected pursuant to Rule 52. On December 22, 2025 Plaintiff submitted her corrected petition for writ of mandamus with the Texas Supreme Court.
8. On the afternoon of December 22, 2025 Plaintiff received a hard copy notice that an order had been issued November 26, 2025 dismissing Plaintiff's Motion for rehearing. Like the order for briefing on the District Court's jurisdiction to hear the petition, Plaintiff did not receive electronic notice of the order denying Plaintiff's motion (the "Order") on November 26, 2025.
9. The District Clerk failed to serve notice of the signing of the Order on Plaintiff as required by Texas Rule of Civil Procedure 306a(3). The Order did not appear on the electronic docket on or about the time it was signed.
10. Having not received any notice of a ruling, and in the good faith belief that no ruling had been made, Movant took extraordinary steps to obtain a ruling. On December 1, 2025, Movant filed a petition for a writ of mandamus with the First Court of Appeals, asking that court to compel this Court to rule on her pending motion.

1. Movant checked the online case docket for this cause number multiple times after November 26, 2025 and as recently as December 9, 2025, the November 26, 2025 Order was not shown on the docket.
2. On December 11, 2025, the First Court of Appeals denied Movant's mandamus petition as moot. At that time, however, the Order rendering the petition moot was still not reflected on the trial court docket.
3. Still lacking notice of any ruling from this Court, Movant filed a petition for a writ of mandamus with the Supreme Court of Texas on December 20, 2025, and a conforming petition on December 22, 2025, again seeking to compel a ruling.
4. On the evening of December 22, 2025, Movant first received notice and acquired actual knowledge that the Order had been signed when she received a notice of the Order via United States Mail at her residence in California. This date is 26 days after the Order was signed.

II. ARGUMENT AND AUTHORITIES

9. Texas Rule of Civil Procedure 306a governs the calculation of periods for post-judgment motions and appeals when a party has not received timely notice of an order. Rule 306a(3) requires the clerk to immediately give notice to the parties or their attorneys of record of the signing of any appealable order by first-class mail or other means specified by the court.
10. When a party does not receive this required notice, Rule 306a(4) provides a remedy: > If within twenty days after the judgment or other appealable order is signed, a party adversely affected by it or his attorney has neither received the notice required by

paragraph (3) of this rule nor acquired actual knowledge of the order, then with respect to that party all the periods mentioned in paragraph (1) shall begin on the date that such party or his attorney received such notice or acquired actual knowledge of the signing, whichever occurred first, but in no event shall such periods begin more than ninety days after the original judgment or other appealable order was signed.

11. Movant falls squarely within the protection of Rule 306a(4). The Order was signed on November 26, 2025. Movant did not receive notice from the clerk or acquire actual knowledge of the Order within 20 days. Movant first acquired actual knowledge of the Order on December 22, 2025—26 days after it was signed.
12. Therefore, under the plain language of Rule 306a(4), the period for filing post-judgment motions and perfecting an appeal begins for Movant on December 22, 2025. The deadline to file a notice of appeal, which is ordinarily 30 days from the date an order is signed, is reset to run from this later date of notice. *See* Tex. R. App. P. 26.1.
13. Movant has diligently monitored this case and has been prejudiced by the failure of the court's electronic filing and notification system. The lack of notice caused Movant to expend significant time and resources filing two separate mandamus petitions in a good-faith effort to obtain the very ruling that had already been made but not docketed or communicated. Movant now files this verified motion promptly upon receiving notice to establish the proper appellate timetable.

III. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Candace Louise Curtis respectfully prays that this Court:

5. Grant this Verified Motion;
6. Hold a hearing to determine the date on which Movant received notice of the Order;
7. Enter a written finding of fact that Movant first received notice and acquired actual knowledge of the Court's November 26, 2025 Order on **December 22, 2025**;
8. Enter an Order, pursuant to Texas Rule of Civil Procedure 306a(5), stating that the time for filing a notice of appeal and any other post-judgment motions shall run from December 22, 2025; and
9. Grant Movant all other and further relief, both general and special, to which she may be justly entitled.

Respectfully submitted,

Candace Louise Curtis
Plaintiff, Pro Se
218 Landana Street
American Canyon, CA 94503
Telephone: (925) 759-9020
Email: occurtis@sbcglobal.net

VERIFICATION

STATE OF CALIFORNIA §

COUNTY OF NAPA §

“My name is Candace Louise Curtis, my date of birth is March 12, 1953, and my address is 218 Landana Street, American Canyon, CA 94503. I declare under penalty of perjury that the foregoing is true and correct.

The facts stated in the foregoing Motion are within my personal knowledge and are true and correct. Specifically, I did not receive notice from the clerk or acquire actual knowledge of the Court's Order signed November 26, 2025, until the evening of December 22, 2025, when a copy arrived at my home via U.S. Mail."

Executed in Napa County, State of California, on the 23rd day of December, 2025.

Candace Louise Curtis

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2025, a true and correct copy of the foregoing Verified Motion was served in accordance with the Texas Rules of Civil Procedure via the court's electronic filing system on all counsel of record.

Candace Louise Curtis

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 109402511

Filing Code Description: Motion (No Fee)

Filing Description: Motion to extend time

Status as of 12/23/2025 10:29 AM CST

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